

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2010-58-C - ORDER NO. 2010-147

FEBRUARY 12, 2010

IN RE: Petition of BellSouth Telecommunications,)	ORDER REVERSING
Incorporated d/b/a AT&T South Carolina for)	NUMBERING
Review of Numbering Resources)	DETERMINATION
Determination in the Charleston Rate Center)	
)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Petition of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T” or the “Company”) for review of the North America Numbering Plan Administration’s and/or the Pooling Administrator’s (collectively “NANPA/PA”) central office code numbering resources decision to deny the Company’s request for numbering resources in the Charleston Rate Center. According to AT&T, it submitted this request to NANPA/PA on February 5, 2010. AT&T states it does not have the numbers to meet the request of its customer, Boeing, and asks that the Commission reverse NANPA/PA’s denial.

AT&T elaborates that it was necessary to specifically request three consecutive thousands-blocks in the Charleston exchange, noting 843-641-1, 2, 3 are available in the pool list, in order for Boeing to move forward with its new North Charleston 787 Dreamliner factory. NANPA/PA’s refusal stems from the Federal Communications Commission’s (“FCC”) “rate center” basis for determining the need for new numbering

resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to receive additional numbering resources. However, the record reveals that the Charleston Rate Center is approximately 94.727 to 96.069 months from exhausting their inventory and is using 67.879 percent of its numbering resources.

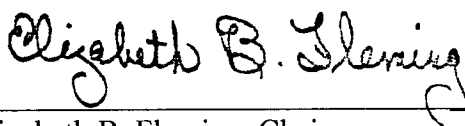
Although AT&T fails to meet NANPA/PA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA/PA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA/PA denying a request for numbering resources. We further find that AT&T has demonstrated receipt of a customer request for numbering resources that it cannot meet with its current inventory. It is our opinion that these additional numbering resources are necessary for AT&T to provide its customer with the required telecommunications service. Therefore,

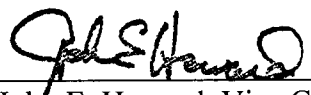
we hold that NANPA/PA is directed to approve AT&T's request for three consecutive thousands-blocks in the Charleston Rate Center, also noting that 843-641-1, 2, 3 are available in the pool list.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)